

IN THE CLAIMS

1. (Original) A sealer base comprising:
 - i) a petroleum pitch composition having a Mettler softening point of 35-45°C., comprising:
 - a. a high softening point petroleum pitch having a softening point above 100°C.
 - b. a petroleum solvent and wherein
 - c. the petroleum pitch composition is 45-75 wt % and the petroleum solvent is the remaining 25-55 wt %, based on the total weight of the pitch and the solvent
 - ii) coal tar; and
 - iii) at least one anti-wear agent comprising aliphatic carboxylic acids and aliphatic poly amides.
2. (Original) The sealer base of claim 1 wherein the high softening point pitch composition has a softening point of 240°F.
3. (Original) The sealer base of claim 1 wherein the solvent is a cut back oil.
4. (Cancelled)
5. (Original) The sealer base of claim 1 wherein the coal tar pitch has a Mettler softening point of 35-45°C, and wherein the petroleum pitch composition comprises at least 25 wt % of the total amount of petroleum pitch and coal tar pitch.

6. (Original) A sealer comprising an emulsion of water, clay and sealer base of claim 1.

7. (Currently Amended) The sealer of claim 6, wherein the driveway sealer exhibit has an increase in wear resistance when cured for 72 hours after water conditioning as compared to a driveway sealer having no anti-wear agent.

8. (Original) A binder or sealer base comprising:

a coal tar pitch obtained as the residue product of distillation or heat treatment of coal tar, or coal or petroleum pitch obtained as a residue product from heat treatment and distillation of petroleum fractions, which is a solid at room temperature, consists of a complex mixture of numerous predominantly aromatic and alkyl-substituted aromatic hydrocarbons, and exhibits a broad softening point range of a defined melting point, both of which coal tar and petroleum pitch materials are solid at room temperature,

cut-back oil comprising a refinery liquid hydrocarbon stream selected from the group of FCC, light cycle oil, FCC heavy naphtha, FCC slurry oil, or clarified slurry, gas oil, vacuum gas oil, coker naphtha, coker gas oil, fuel oil and aromatic extract, and

an anti-wear agent comprising aliphatic carboxylic acids and aliphatic polyamides.

9. (Original) The binder of claim 8 wherein the pitch is coal tar pitch.

10. (Original) The binder of claim 8 wherein the pitch is petroleum pitch.

11. (Original) The binder of claim 8 wherein the pitch is a blend of petroleum and coal tar pitch.
12. (Currently Amended) The binder of claim 4 8 wherein the pitch has a softening point above 40°C.
13. (Currently Amended) The binder of claim 4 8 wherein at least 0.5 wt % anti-wear agent is present in the sealer base and in an amount sufficient to increase by at least 50% the durability of the sealer in a scrub test as compared to an anti-wear agent free material.
14. (Original) A sealer and/or waterproofing material comprising the composition of claim 1.
15. (Currently Amended) Driveway sealer emulsion of water, clay and sealer base wherein said sealer base comprises a blend of:
petroleum or coal tar pitch or a blend thereof with a softening point above 40°C.,
~~cut-back oil in an amount sufficient to reduce the Brookfield viscosity of said sealer base to 100 centipoise, and~~
an anti-wear agent comprising aliphatic carboxylic acids and aliphatic polyamides,
wherein the sealer base has a Brookfield viscosity of 100 centipoise.
16. (Currently Amended) A method of increasing the wear resistance of driveway sealers containing water, clay, emulsifier and a petroleum pitch component with a softening point below 50°C. comprising taking a petroleum

pitch with a softening point above 100°C. and mixing it with a solvent to produce a pitch component with a softening point below 50°. and thereafter blending with coal tar and an anti-wear agent to form a sealer base, and using the sealer base with conventional components of water, clay and emulsifier to produce driveway sealer having improved wear resistance as compared to like driveway sealer prepared without the anti-wear agent,

wherein the anti-wear agent comprises a blend of aliphatic carboxylic acids and aliphatic polyamides.

17. (Cancelled)